



National Republican Congressional Committee

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2000 SEP 21 P 3:58

Donald F. McGahn II
General Counsel

MUR 5100

September 20, 2000

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Complaint Against McCallion for Congress Committee, Darrel L. Paster, Esq. as Treasurer

Dear Mr. Noble:

The National Republican Congressional Committee, by and through its General Counsel, hereby brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) against McCallion for Congress Committee and Darrell Paster as Treasurer. The National Republican Congressional Committee is located at 320 First Street, S.E., Washington, D.C. 20003.

I. VIOLATIONS

Kenneth F. McCallion is a Democrat candidate for United States Congress from the 22nd district of New York. His campaign committee is McCallion for Congress. The New York primary was held on September 12, 2000; however, McCallion did not file a pre-primary report as required by the Act. McCallion has been notified of his failure to file, but refuses on the grounds that the committee was not engaged in any fundraising for the primary election, and his name did not appear on the Democrat primary ballot.

320 First Street, S.E.
Washington, D.C. 20003
(202)479-7069
www.nrcc.org

FOIA b 7 - DATED 04-14-2004

Of course, this is incorrect as a matter of law. The Act is clear regarding reporting requirements of campaign committees: the treasurer of a House or Senate campaign committee must file pre-election reports, including pre-primary, no later than 12 days before the primary or general election. 11 C.F.R. § 104.5(a). Additionally, in no less than three advisory opinions, the Commission has made it clear that a candidate must file a pre-election report regardless of whether the candidate is unopposed and his name will not appear on the ballot. AO 1986-21; AO 1978-41; AO 1978-65.

Because McCallion is a well-known New York attorney, one would think that he would know better. And given his other filings, it appears that he may be hiding the true source of his campaign funding:

- Because he failed to file his pre-primary report, his next report is not due until October 15, 2000. Thus, the public has absolutely no idea whatsoever regarding McCallion's financial activity from July until just before the election.
- One would think that a lawyer who represented a group of plaintiffs in a suit against the Exxon Valdez would have sizable personal wealth. But his PFD filed (apparently late) with the House of Representatives tells a different story. He lists no bank accounts on his PFD, although any account more than \$5000 must be disclosed. Similarly, he lists only a minimal number of assets – a “cash reserve” and an IRA. He also lists two unsecured loans.
- Even though he claims to not have a bank account worth over \$5,000, a prior FEC report shows that he has already loaned his campaign \$15,000.

These facts raise an obvious question: where did the \$15,000 come from, and how has he been funding his campaign for the past several months? His failure to file with the FEC precludes the public from knowing this answer. No one knows whether it is personal funds, corporate funds, union funds, or even foreign national money being used in his campaign. His unsecured loans also raise a question, because a loan to a candidate can be in some circumstances an excessive and/or prohibited contribution. 11 C.F.R. § 100.7(a)(1)(i), (b)(11) & 104.3(d). Public disclosure is a fundamental tenet of the campaign laws and McCallion has turned a blind eye to the public and to the Commission.

II. CONCLUSION

For these reasons, and based upon the foregoing, the National Republican Congressional Committee respectfully requests that the Commission find reason to believe that Federal law has been violated and institute appropriate legal action.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

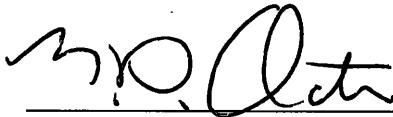
Respectfully submitted,



Donald F. McGahn II

District of Columbia

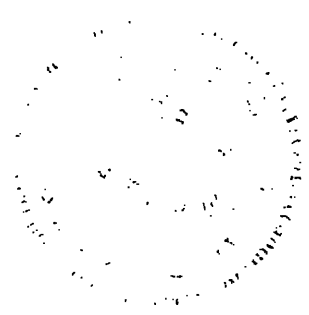
Signed and sworn to before me this
20th day of September, 2000.



Notary Public

My Commission expires

M.D. ACTON
Notary Public, District of Columbia
My Commission Expires July 14, 2004



21-091-403-44705

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF MAILGRAM TO: DARRELL L PASTER
MCCALLION FOR CONGRESS
305 MADISON AVE STE 4600
NEW YORK NY 10165-0006

FEDERAL ELECTION COMMISSION
JOHN MUCKLE
999 E ST. NW.
WASHINGTON DC 20463

SEPTEMBER 1, 2000
IDENTIFICATION NUMBER: C00358424

REFERENCE: 12 DAY PRE-PRIMARY REPORT (07/01/2000 - 08/23/2000)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT. THE REPORT SHOULD BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OF THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 FOR SENATE CANDIDATES. A COPY OF THE REPORT SHOULD ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IF YOU HAVE FILED THE REPORT TIMELY BY CERTIFIED OR REGISTERED MAIL, PLEASE NOTIFY US IMMEDIATELY, IN WRITING, OF THE CERTIFIED OR REGISTERED NUMBER AND THE DATE THAT THE REPORT WAS SENT. THE FAILURE TO FILE THIS REPORT MAY RESULT IN PUBLICATION, AUDIT OR LEGAL ENFORCEMENT ACTION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT MICHAEL N. YOUNG IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER 18001424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON

ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

21-04-403-4706

DARRELL L. PASTER

ATTORNEY AT LAW

MEMBER OF THE NY AND NJ BAR

FED MAIL ROOM

308 MADISON AVENUE, SUITE 308
NEW YORK, NEW YORK 10017
TELEPHONE: (212) 687-4545
FAX: (212) 687-4758
INTERNET E-MAIL: DLP@308NY.COM

September 7, 2000

BY FEDERAL EXPRESS

Mr. Michael Young
Federal Election Commission
999 E Street
Washington, D.C. 20463

Re: McCallion for Congress ID No. C00358424

Dear Mr. Young:

As we discussed today, this letter is to confirm the following with regard to the Commission's notice to the above-captioned committee requesting the filing of a 12 day pre-primary disclosure report.

This committee is not engaged in or fundraising for a primary election.

Mr. McCallion will not appear on the ballot in the Democratic Primary to be held on September 12, 2000.

The July 2000 Quarterly Report filed by this committee was correctly designated on its cover sheet a General Election Report.

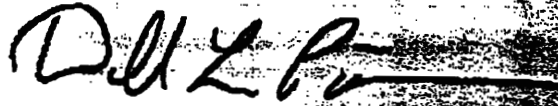
The July 2000 Quarterly Report filed by this committee incorrectly checked the box for "Primary" on the Itemized Receipt and Disbursements Schedules. This error occurred because of incorrect instructions given to the person entering the data on individual contributions.

Because we are not participating or fundraising for a primary election, I believe that the notice to file the report is not correct. I do, however, apologize for the inconvenience caused by our mistake in checking the wrong box on the individual items schedules.

Mr. Michael Young
September 7, 2000
Page 2

Thank you for your assistance and patience in this matter.

Yours very truly,



Darrell L. Paster, Esq.
Treasurer
McCallion for Congress

DLP/laf

21-04-403-4708

21 04 43 4709

RECEIVED
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

00 JUL 26 AM 11:03

JUL 25 2000

FORM B

For use by candidates
and new employees

UNITED STATES HOUSE OF REPRESENTATIVES
FINANCIAL DISCLOSURE STATEMENT

Period Covered: January 1, 1999 - June 3, 2000

KENNETH F. MCCALLION

(Full Name)
245 East 93rd Street, New York, New York 10128 (212) 907-0870

(Mailing Address)
Daytime Telephone:

Filer
Status

☒ Candidate for the
House of Representatives

State: New York
District: 22

Date of
Election: Nov. 7, 2000

Check if
Amendment ☐

☐ New officer or
employee

Employing Office:

(Office Use Only)

A \$200 penalty shall be assessed
against anybody who files more
than 30 days late.

In all sections, please type or print clearly in black ink.

PRELIMINARY INFORMATION — ANSWER EACH OF THESE QUESTIONS

I. Did you or your spouse have "earned" income (e.g., salaries or fees) of \$200 or more from any source in the reporting period? If yes, complete and attach Schedule I.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	IV. Did you hold any reportable positions on or before the date of filing in the current calendar year or in the prior two years? If yes, complete and attach Schedule IV.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
II. Did you, your spouse, or a dependent child receive "unearned" income of more than \$200 in the reporting period or hold any reportable asset worth more than \$1,000 at the end of the period? If yes, complete and attach Schedule II.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	V. Did you have any reportable agreement or arrangement with an outside entity? If yes, complete and attach Schedule V.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
III. Did you, your spouse, or a dependent child have any reportable liability (more than \$10,000) during the reporting period? If yes, complete and attach Schedule III.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	VI. Did you receive compensation of more than \$5,000 from a single source in the two prior years? If yes, complete and attach Schedule VI.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Each question in this part must be answered and the appropriate schedule attached for each "Yes" response.

EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION — ANSWER EACH OF THESE QUESTIONS

TRUSTS—Details regarding "Qualified Blind Trusts" approved by the Committee on Standards of Official Conduct and certain other "excepted trusts" need not be disclosed. Have you excluded from this report details of such a trust benefiting you, your spouse, or a dependent child? (See Instructions, pages 10-11.)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
EXEMPTION—Have you excluded from this report any other assets, "unearned" income, transactions, or liabilities of a spouse or dependent child because they meet all three tests for exemption?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

CERTIFICATION — THIS DOCUMENT MUST BE SIGNED BY THE REPORTING INDIVIDUAL AND DATED

This Financial Disclosure Statement is required by the Ethics in Government Act of 1978, as amended. The Statement will be available to any requesting person upon written application and will be reviewed by the Committee on Standards of Official Conduct or its designee. Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil penalties and criminal sanctions (See 5 U.S.C. app. 4, § 104 and 18 U.S.C. § 1001).	
Certification I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.	Signature of Reporting Individual <i>Kenneth F. McCallion</i>
	Date (Month, Day, Year) 7/21/2000

[illegible]

Page: 2 of 5

• 11.

This page may be copied if more space is required.

SCHEDULE II — ASSETS AND “UNEARNED” INCOME

For additional assets and unearned income, use next page.

SCHEDULE III — LIABILITIES

Name KENNETH F. MCCALLION

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Report liabilities of over \$10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent child. Mark the highest amount owed during the reporting period. **Exclude:** Any mortgage on your personal residence (unless there is rental income); loans secured by automobiles, household furniture, or appliances; and liabilities owed to a spouse, or the child, parent, or sibling of you or your spouse. Report revolving charge accounts only if the balance at the close of the previous calendar year exceeded \$10,000.

SP, DC, JT	Creditor	Type of Liability	Amount of Liability										
			B \$10,001 – \$15,000	C \$15,001 – \$50,000	D \$50,001 – \$100,000	E \$100,001 – \$250,000	F \$250,001 – \$500,000	G \$500,001 – \$1,000,000	H \$1,000,001 – \$5,000,000	I \$5,000,001 – \$25,000,000	J \$25,000,001 – \$50,000,000	K Over \$50,000,000	
	Example: First Bank of Wilmington, Delaware	Mortgage on 123 Main Street, Dover, Del.		X									
	Republic National Bank, New York, NY	Unsecured Loan											
	MBNA America	Unsecured Loan											

SCHEDULE IV — POSITIONS

Report all positions, compensated or uncompensated, held on or before the date of filing during the current calendar year and in the two prior years as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States.

Exclude: Positions held in any religious, social, fraternal, or political entities; positions solely of an honorary nature; and positions listed on Schedule I.

Position	Name of Organization
Director	International Court of the Environment Foundation/North American Committee
Legal Counsel & Agent	Barrington Capital Corp.

Use additional sheets if more space is required.